

REMARKS

Claims 1-10, 15-18, and 21 are pending in the application. Claims 1 and 7 are independent. Claims 11-14, 19-20, and 22-30 have been canceled. Claims 1, 7, 15, and 21 have been amended. Figure 1 has been amended. It is believed that these changes introduce no new matter and their entry is respectfully requested.

Drawings

The Examiner noted that the requested drawing change from the previous Office Action had not been received. Applicants have included the Drawing Amendments in the present Response.

Rejection of Claims 7-30 Under 35 U.S.C. §102(e)

The Examiner rejected claims 7-30 under 35 U.S.C. §102(b) as anticipated by U.S. Patent Publication No. 2002/0089711 to Bazylenko (hereinafter "Bazylenko"). A claim is anticipated only if each and every element of the claim is found in a reference. (M.P.E.P. § 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id.* citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Bazylenko fails to each and every element of the claimed invention. For example, Bazylenko does not teach a set of waveguide elements coupled to outputs of the set of optical amplifiers, and the AWG having a star coupler coupled to the waveguide elements, as recited in the claimed invention. Bazylenko therefore does not teach the identical element in as complete detail as is contained in the claims. As such, the Examiner has not made out a *prima facie* case of anticipation of claims 7-30.

Rejection of Claims 1-6 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Bazylenko. To establish a *prima facie* case of obviousness, an Examiner must show

three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) Applicants respectfully traverse the rejections.

As discussed above, Applicants respectfully submit that Bazylenko fails to teach a set of waveguide elements coupled to outputs of the set of optical amplifiers, and the AWG having a star coupler coupled to the waveguide elements, as recited in the claimed invention. As such, the Examiner has not made out a *prima facie* case of obviousness.

Because the Examiner has not made out a *prima facie* case of anticipation with respect to claims 7-30 or a *prima facie* case of obviousness with respect claims 1-6, Applicants respectfully submit that claims 1-10, 15-18, and 21 are patentable. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejections to claims 1-30.

CONCLUSION

Applicants submit that all grounds for objection and rejection have been properly accommodated or traversed, and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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